



August 20, 2015

Marc Rosenberg  
Lee Smart, P.S., Inc.  
1800 One Convention Place  
701 Pike Street  
Seattle, WA 98101

RE: Sully v. Cowlitz County / Conmed

Dear Mr. Rosenberg,

The following is my written report on behalf of Cowlitz County and Conmed in the above-referenced case. My opinion is based on my 19 years of experience in the design, administration, and delivery of correctional healthcare in various environments as well as the national standards that govern the field. I actively practice in correctional healthcare as the Medical Director of the Salt Lake County Jail System and I am frequently called upon as a consultant to assist facilities nationally in improving their delivery of care. I am one of a select group of individuals to have achieved the advanced level of certification in correctional healthcare (CCHP-A) from the National Commission on Correctional Health Care and I frequently present to national audiences on pertinent topics in this field of medicine.

In developing my opinions I have relied on the following publications:

1. The Standards for Health Services in Jails published by the National Commission on Correctional Health Care

In formulating my opinion I also relied upon the following documents:

1. Complaint
2. Defendants' Discovery Response
3. Medical Records for Jenny Borelis
4. Conmed's responses to Sully's First Interrogatories
5. Conmed's supplemental responses to requests for production
6. Plaintiff's discovery response
7. Various correctional records and logs
8. Training material fro Cowlitz County
9. Declaration of Diane Londo
10. Declaration of Steven Piller
11. American Medical Response records
12. Cowlitz County reports
13. Cowlitz County Fire and Rescue records
14. PeaceHealth records
15. Conmed policies and procedures
16. St. John's Medical Center records Volume 1
17. St. John's Medical Center records Volume 2

### **Timeline of Case**

- ◆ On May 12, 2013, Jenny Borelis was arrested, taken to the hospital for examination, cleared by the hospital for booking and subsequently booked into the Cowlitz County Jail.
- ◆ On May 12, 2013, the medical staff started her on serial neurologic exams to monitor her for a head injury that occurred prior to incarceration. The medical staff also initiated withdrawal protocol because of the patient's extensive history of heroin use.
- ◆ From May 12 to 15, 2013, serial withdrawal assessments were completed by the nursing staff.
- ◆ On May 15, 2013 at 1130, Ms. Borelis fell from her bottom bunk and was evaluated by medical.
- ◆ On May 15, 2013 at 1450, the nurse called the on-call doctor about the patient's elevated temperature and received orders for a urinalysis and Tylenol for fever.
- ◆ On May 15, 2013 at 1450, the nurse was summoned to see Ms. Borelis again because she had become unresponsive. CPR was initiated and emergency protocols were activated.

- ◆ On May 15, 2013 at 1454, the EMT's arrived and took over care during transport to the local emergency department.
- ◆ The emergency department performed a basic assessment of Ms. Borelis and determined that she had anoxic brain damage and required transport to a higher level of care. She was transported to Southwest Medical Center in Vancouver.
- ◆ On May 16, 2013, life support was withdrawn and the patient died.
- ◆ Autopsy revealed bacteremia with sepsis due to multiple septic infarcts and chronic intravenous narcotic use. During autopsy, a plastic container was found in Ms. Borelis's stomach with baggies containing substances. These substances were field tested for drugs and tested positive for methamphetamine and heroin.

### **Statement of Opinions**

1. The Cowlitz County Jail performed an intake screen on Ms. Borelis in a timely manner. The content of the intake screening tool conforms to contemporary correctional standards.
2. Prior to incarceration, Ms. Borelis was seen in a local emergency room and cleared for jail. It is medically reasonable for the Cowlitz County Jail staff to rely on the medical clearance by the emergency department in assessing the patient.
3. The Cowlitz County Jail medical personnel saw and assessed Ms. Borelis multiple times during her incarceration. There are no issues with her access to care evident in the medical records.
4. Bacterial infections are a common medical problem for intravenous drug users due to unsterile injection practices and contaminated drugs. Heroin is illegal because it is addictive and its introduction into the body can be fatal immediately or over a short period of time due to complications from injection.
5. The mortality rate for intravenous drug abusers is high and death from sepsis is a common cause in this cohort.
6. The finding of the plastic container in the patient's stomach is evidence that she acquired drugs and swallowed them surreptitiously while in jail. While the plastic container appeared to be intact and dry inside, it is not possible to know whether the patient swallowed any other substances that could have contributed to her death. Her toxicology screen was positive for opiates four days into her incarceration which makes this concern clinically reasonable.

7. I do not see any evidence of deliberate indifference in my review of the medical records. The healthcare staff attended to Ms. Borelis regularly using standard assessment tools and her treatment of withdrawal generally conforms to the treatment available in jails nationally.

### **Qualifications**

My *curriculum vitae* is included with this report as Appendix 1.

### **Fees**

My rate schedule is included with this report as Appendix 2.

### **Prior Testimony**

My list of previous testimony is included with this report as Appendix 3.

### **Exhibits**

None

I arrived at the opinions and conclusions expressed above based on a reasonable degree of medical certainty. I reserve the right to update or change my opinions if additional information becomes available.

Respectfully submitted,

DocuSigned by:



ADBF394571448F...

Todd R. Wilcox, MD, MBA, CCHP-A  
Medical Director  
Salt Lake County Jail System

## **Todd Randall Wilcox, M.D., M.B.A., C.C.H.P.-A.**

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ADDRESS: 4760 S. Highland Drive, # 105  
Salt Lake City, UT 84117  
(385) 743-1744

EMPLOYMENT: **Chief Executive Officer**, Wellcon, Inc.  
May 1996 to present

**Medical Director**, Salt Lake County Jail System  
May 1996 to present

**Attending Physician**, After Hours Medical  
August 2001 to present

**Senior Consultant**, Phase 2 Consulting  
January 2003 to December 2009

**Medical Director**, Maricopa County Jail System  
November 2004 to February 2006

**Attending Physician**, Wasatch Physician Services  
July 1996 to January 2000

**Attending Physician**, State of Utah Department of Corrections  
August 1997 to January 1999

**Staff Physician**, Salt Lake County Jail  
June 1994 to May 1996

EDUCATION: M. B. A.  
**University of Utah David Eccles School of Business**  
Salt Lake City, UT  
September 1996 to June 1998

Residency in Orthopaedic Surgery  
**University of Utah**  
July 1993 to July 1996

Internship in General Surgery  
**University of Utah**  
July 1992 to June 1993

M.D.  
**Vanderbilt University School of Medicine**  
Nashville, TN  
August 1988 to May 1992

B.S.  
**Duke University**  
Durham, NC  
Major: Biological Psychology  
August 1984 to May 1988

**MEDICAL**  
**LICENSURE:** Utah  
Arizona

**BOARD**  
**CERTIFICATIONS:** American Board of Urgent Care Medicine—certification by exam 2006, recertified by exam 2014

**ADVANCED**  
**CERTIFICATIONS:** American Academy of HIV Medicine—2009, 2013 recertified by exam  
Advanced Certified Correctional Health Care Provider (CCHP-A)—certification by exam 2007, recertified 2013  
Buprenorphine certified--2013

**FACULTY**  
**APPOINTMENTS:** Medical School Admissions Committee, University of Utah School of Medicine  
Faculty Instructor, Correctional Crisis Intervention Team Academy, Salt Lake County, UT  
Adjunct Instructor of Medicine, University of Utah School of Medicine  
Adjunct Professor of Chemistry, Salt Lake Community College  
Faculty Instructor, University of Utah School of Nursing

**PROFESSIONAL**  
**APPOINTMENTS:** President-elect, Society of Correctional Physicians, 2013  
Chairman, Physician Certification Committee, National Commission on Correctional Health Care, 2012-2013

Board of Directors, National Commission on Correctional Health Care—Certified Correctional Healthcare Professional Board  
Chairman, Electronic Medical Records Taskforce for the National Commission on Correctional Healthcare, 2002  
Treasurer, Society of Correctional Physicians, 2012  
Medical School Admissions Committee, University of Utah School of Medicine, 2012-13

**HONORS:** Medical Director for National Commission on Correctional Healthcare Facility of the Year, 2001  
Angier B. Duke Memorial Scholarship  
Boettcher Foundation Scholar  
Jostens Foundation Scholar

**PROFESSIONAL MEMBERSHIPS:**  
American Medical Association  
American College of Emergency Physicians  
American Jail Association  
Society of Correctional Physicians  
American Correctional Health Services Association  
American Academy of Urgent Care Medicine  
American Academy of HIV Medicine

**CORRECTIONAL CONSULTING:**  
American Jail Association  
National Institute of Corrections  
California Department of Corrections  
Maricopa County Correctional Health Care, AZ  
Pima County Department of Institutional Health, Tucson, AZ  
Santa Clara County Jail System, CA  
Washington County Jail, UT  
Utah County Jail, UT  
Seattle-King County Jail System, WA  
Mississippi Department of Corrections  
National Commission on Correctional Healthcare

**PUBLICATIONS:**  
Wilcox, TR. Dealing with Orthopedic Hardware. *Corrdocs*. Chicago: Society of Correctional Physicians, Fall 2014. 17:3, 4-5.  
  
Wilcox TR. Critical Commandments in Correctional Health Care: Part 3. *CorrectCare*. Chicago: National Commission on Correctional Health Care, Fall 2013. 27:4, 16.

Wilcox TR. Critical Commandments in Correctional Health Care: Part 2. *CorrectCare*. Chicago: National Commission on Correctional Health Care, Summer 2013. 27:3, 19.

Wilcox TR. Critical Commandments in Correctional Health Care: Part 1. *CorrectCare*. Chicago: National Commission on Correctional Health Care, Spring 2013. 27:2, 20.

Wilcox TR. Developing an Effective Alcohol Withdrawal Protocol. *Correctional Health Care Report*. Civic Research Institute, Inc., May 2003: 49-50, 63-64.

Goble EM, Kane SM, Wilcox TR, Doucette SA. Meniscal Allografts. In: McGinty JB, ed. *Operative Arthroscopy*. Philadelphia: Lippincott-Raven Press; 1996: 317-31.

Goble EM, Kane SM, Wilcox TR, Olsen RE. Advanced Arthroscopic Instrumentation. In: McGinty JB, ed. *Operative Arthroscopy*. Philadelphia: Lippincott-Raven Press; 1996: 7-12.

Wilcox TR, Goble EM. Indications for meniscal allograft reconstruction. *American J of Knee Surgery* 9: 35-6, 1996.

Wilcox TR, Goble EM, Doucette SA. Goble technique of meniscus transplantation. *American J of Knee Surgery* 9: 37-42, 1996.

Goble EM, Downey DJ, Wilcox TR. Positioning of the tibial tunnel for ACL reconstruction. *J Arthroscopy* 12: 415-18, 1995.

Morris JA, Wilcox TR, Reed GW, et al. Safety of the blood supply: surrogate testing and transmission of hepatitis C in patients after massive transfusion. *Annals of Surgery* 219: 517-26, 1994.

Wilcox TR, Morris JA, Green NE. Case report: Pediatric ankle fractures. *Tennessee Medical Journal*. 85: 217-19, 1992.

Morris JA, Wilcox TR, Frist WH. Pediatric organ donation: the paradox of organ shortage despite the remarkable willingness of families to donate. *Pediatrics* 89: 411-15, 1992.

Morris JA, Wilcox TR, Noreuil T, and Frist WH. Organ donation: a university hospital experience. *Southern Medical Journal* 83: 884-88, 1990.

Cogbill TH, Moore EE, Feliciano DV, Wilcox TR, et al. Conservative management of duodenal trauma: a multicenter perspective. *Journal of Trauma* 30: 1469-75, 1990.

Morris JA, Moore EE, Feliciano DV, Wilcox TR, et al. Post-traumatic renal failure: a multicenter study. *Journal of Trauma* 31: 1584-90, 1991.

Wilcox TR, contributing author to The Admissions Essay by Helen W. Power and Robert DiAntonio. Lyle Stuart, Inc., Seacausus, NJ, 1987, pp. 116-7, 197, 206-8, 219-20.

**PRESENTATIONS:** National Commission on Correctional Healthcare Jail Standards Course  
Abdominal Pain  
Chronic Disease Management in Correctional Facilities  
Pain Management in Correctional Healthcare  
Alcohol Withdrawal Syndrome  
Drug Withdrawal Syndromes  
Effective Correctional Medical / Mental Health Intake Screening  
Endocrine Emergencies  
Excited Delirium and Sudden In-Custody Death Syndrome  
Hematologic Emergencies  
Safe Restraint and Intensive Medical Management Practices  
Medical Effects of Mental Health Medications  
Neurological Emergencies  
Effective Nursing Triage in Correctional Settings  
Orthopedic Emergencies  
Point of Care Laboratory in Correctional Healthcare  
Managing Hypertension in Correctional Healthcare  
Seizure Assessment and Treatment  
How To Work Well with EMS  
Effective Wound Care Practices in Correctional Healthcare  
14-day Assessments in Corrections  
Electronic Health Records for Institutional Medicine

**EXPERT PANELS:** Rand Corporation Expert for Modified Delphi Process to Determine Quality Measures for Correctional Healthcare—June 2009

American Jail Association / National Institute of Corrections Expert for Mental Health in Jails Focus Group and National Satellite Broadcast—June 2009

PATENTS:                   United States Patent 5,681,289  
                                 Chemical Dispensing System  
                                 Issued October 28, 1997

                                 United States Patent 5,891,101  
                                 Chemical Dispensing System Methodology  
                                 Issued April 17, 1999

                                 United States Patent 5,895,375  
                                 Chemical Dispensing System Components  
                                 Issued April 17, 1999



**Fee Schedule**  
**1/1/2014**

Review of records		\$375 per hour
Depositions in Salt Lake	4 Hour Minimum	\$525 per hour
Court appearances in Salt Lake	4 Hour Minimum	\$525 per hour
Depositions outside Salt Lake	One Day Minimum	\$4200 per day
Court appearances outside SLC	One Day Minimum	\$4200 per day

**Travel Expenses**

Travel time is one-third the hourly rate billed door-to-door. All airfare, motels, car rental, food, and other travel expenses will be billed at cost with receipts. Flights over 2 hours are booked first class.